

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Benjamin James Carraway

Docket No. 5:23-CR-218-1M

Petition for Action on Supervised Release

COMES NOW Michael W. Dilda, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Benjamin James Carraway, who, upon an earlier plea of guilty to Possession of Firearm by Felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), was sentenced by the Honorable Catherine C. Eagles, United States District Judge in the Middle District of North Carolina (MD/NC), on November 30, 2021, to the custody of the Bureau of Prisons for a term of 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Benjamin James Carraway was released from custody on September 23, 2022, at which time the term of supervised release commenced in the Eastern District of North Carolina (ED/NC). On May 18, 2023, pursuant to an Order on Request to Modify Conditions of Release in the MD/NC, the defendant was excused from the mandatory requirement to participate in a residential treatment program within 45 days of release. On June 27, 2023, during a pending Order Transferring Jurisdiction, a Violation Memo was filed with the Honorable Richard E. Myers II, Chief United States District Judge, indicating that Carraway tested positive for marijuana and cocaine on June 17, 2023. The probation office recommended continued supervision to allow for participation in substance abuse counselling and cognitive intervention strategies. On July 5, 2023, jurisdiction was transferred to the ED/NC.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On August 14, 2023, the defendant tested positive for marijuana, cocaine, methamphetamine, and amphetamine. Carraway admitted to last using marijuana on August 12, 2023, cocaine on August 13, 2023, and although he denied ingesting methamphetamine, he acknowledged he handled the illegal substance on August 12, 2023. The defendant apologized for his actions and signed an admission form documenting the same.

On August 21, 2023, the defendant was charged in Wayne County, North Carolina, with misdemeanor offenses of Domestic Violence Protective Order Violation and Communicating Threats (23CR382735), which occurred on August 9, 2023. The charges involved Carraway being evicted from his fiancée's residence and are pending disposition. The defendant has since relocated to a temporary address approved by the probation office and will participate in substance abuse and mental health counseling. To address the above-noted violation conduct, it is respectfully recommended that Carraway participate in a cognitive behavioral program as directed by the probation office. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

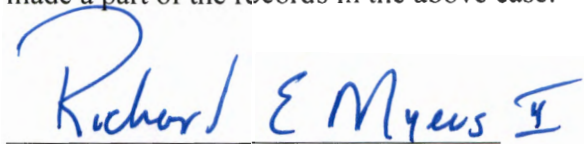
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ C. Lee Meeks, Jr.
C. Lee Meeks, Jr.
Supervising U.S. Probation Officer

/s/ Michael W. Dilda
Michael W. Dilda
U.S. Probation Officer
150 Reade Circle
Greenville, NC 27858-1137
Phone: 252-830-2342
Executed On: August 24, 2023

ORDER OF THE COURT

Considered and ordered this 25th day of August, 2023, and ordered filed and
made a part of the records in the above case.



Richard E. Myers II
Chief United States District Judge